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20 ViaSat, Inc.

21 UNITED STATES DISTRICT COURT

22 SOUTHERN DISTRICT OF CALIFORNIA

23 ViaSat, Inc.,

24 *a Delaware corporation,*

25 Plaintiff

26 and Counter Defendant,

27 v.

28 Acacia Communications, Inc.,

a Delaware corporation,

Defendant

and Counter Claimant,

) Case No.: 3:16-cv-00463-BEN-JMA

)

) **ViaSat, Inc.'s Responses and**

) **Objections to Acacia**

) **Communications, Inc.'s First Set of**

) **Requests for Admission**

)

) Dist. Judge: Hon. Roger T. Benitez

) Hon. Magistrate Jan M. Adler

)

) Case Initiated: January 21, 2016

)

)

)

ViaSat v. Acacia, 3:16-00463-BEN-JMA

ViaSat's Responses and Objections to Acacia's Requests for Admission (Set 1)

1 **Requesting Party:** Acacia Communications, Inc.

2 **Responding Party:** ViaSat, Inc.

3 **Set:** One

4
5 **Responses to Requests for Admission**

6
7 **REQUEST NO. 1**

8 Admit that Delaware contract law applies to the interpretation of the
9 Agreement.

10 **RESPONSE TO REQUEST NO. 1**

11 ViaSat objects to the request as overbroad, unduly burdensome, and
12 oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also
13 objects to the request on grounds that it calls for speculation and presents an
14 incomplete hypothetical. ViaSat also objects to the request on grounds that it calls
15 for expert testimony or a legal opinion.

16 Subject to, and without waiver of, the foregoing objections, ViaSat responds: admitted.

17
18 **REQUEST NO. 2**

19 Admit that Delaware trade secret law applies to the parties' trade secret claims.

20 **RESPONSE TO REQUEST NO. 2**

21 ViaSat objects to the request as overbroad, unduly burdensome, and
22 oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also
23 objects to the request on grounds that it calls for speculation and presents an
24 incomplete hypothetical. ViaSat also objects to the request on grounds that it calls
25 for expert testimony or a legal opinion.

REQUEST NO. 3

Admit that ViaSat first communicated or disclosed ViaSat's Alleged Trade Secret No. 1 to Acacia, or anyone associated with Acacia, on or before June 10, 2011.

RESPONSE TO REQUEST NO. 3

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it duplicates the subject matter of Interrogatory No. 18 in Acacia's Second Set of Interrogatories.

REQUEST NO. 4

Admit that ViaSat first communicated or disclosed ViaSat's Alleged Trade Secret No. 1 to Acacia, or anyone associated with Acacia, after June 10, 2011.

RESPONSE TO REQUEST NO. 4

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it duplicates the subject matter of Interrogatory No. 18 in Acacia's Second Set of Interrogatories.

REQUEST NO. 5

Admit that ViaSat's Alleged Trade Secret No. 1 can be used with the DSP Core.

RESPONSE TO REQUEST NO. 5

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it calls for speculation and presents an incomplete hypothetical. ViaSat also objects to the request on grounds that it calls for expert testimony or a legal opinion.

REQUEST NO. 6

Admit that ViaSat first communicated or disclosed ViaSat's Alleged Trade Secret No. 2 to Acacia, or anyone associated with Acacia, on or before June 10, 2011.

RESPONSE TO REQUEST NO. 6

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it duplicates the subject matter of Interrogatory No. 18 in Acacia's Second Set of Interrogatories.

REQUEST NO. 7

Admit that ViaSat first communicated or disclosed ViaSat's Alleged Trade Secret No. 2 to Acacia, or anyone associated with Acacia, after June 10, 2011.

RESPONSE TO REQUEST NO. 7

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it duplicates the subject matter of Interrogatory No. 18 in Acacia's Second Set of Interrogatories.

REQUEST NO. 8

Admit that ViaSat's Alleged Trade Secret No. 2 can be used with the DSP Core.

RESPONSE TO REQUEST NO. 8

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it calls for speculation and presents an

1 incomplete hypothetical. ViaSat also objects to the request on grounds that it calls
2 for expert testimony or a legal opinion.

3
4 **REQUEST NO. 9**

5 Admit that ViaSat first communicated or disclosed ViaSat's Alleged Trade
6 Secret No. 3 to Acacia, or anyone associated with Acacia, on or before June 10,
7 2011.

8 **RESPONSE TO REQUEST NO. 9**

9 ViaSat objects to the request as overbroad, unduly burdensome, and
10 oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also
11 objects to the request on grounds that it duplicates the subject matter of
12 Interrogatory No. 18 in Acacia's Second Set of Interrogatories.

13
14 **REQUEST NO. 10**

15 Admit that ViaSat first communicated or disclosed ViaSat's Alleged Trade
16 Secret No. 3 to Acacia, or anyone associated with Acacia, after June 10, 2011.

17 **RESPONSE TO REQUEST NO. 10**

18 ViaSat objects to the request as overbroad, unduly burdensome, and
19 oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also
20 objects to the request on grounds that it duplicates the subject matter of
21 Interrogatory No. 18 in Acacia's Second Set of Interrogatories.

22
23 **REQUEST NO. 11**

24 Admit that ViaSat's Alleged Trade Secret No. 3 can be used with the DSP
25 Core.

26 **RESPONSE TO REQUEST NO. 11**

27 ViaSat objects to the request as overbroad, unduly burdensome, and
28 oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also

1 objects to the request on grounds that it calls for speculation and presents an
2 incomplete hypothetical. ViaSat also objects to the request on grounds that it calls
3 for expert testimony or a legal opinion.
4

5 **REQUEST NO. 12**

6 Admit that ViaSat first communicated or disclosed ViaSat's Alleged Trade
7 Secret No. 4 to Acacia, or anyone associated with Acacia, on or before June 10,
8 2011.

9 **RESPONSE TO REQUEST NO. 12**

10 ViaSat objects to the request as overbroad, unduly burdensome, and
11 oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also
12 objects to the request on grounds that it duplicates the subject matter of
13 Interrogatory No. 18 in Acacia's Second Set of Interrogatories.
14

15 **REQUEST NO. 13**

16 Admit that ViaSat first communicated or disclosed ViaSat's Alleged Trade
17 Secret No. 4 to Acacia, or anyone associated with Acacia, after June 10, 2011.

18 **RESPONSE TO REQUEST NO. 13**

19 ViaSat objects to the request as overbroad, unduly burdensome, and
20 oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also
21 objects to the request on grounds that it duplicates the subject matter of
22 Interrogatory No. 18 in Acacia's Second Set of Interrogatories.
23

24 **REQUEST NO. 14**

25 Admit that ViaSat's Alleged Trade Secret No. 4 can be used with the DSP
26 Core.
27
28

RESPONSE TO REQUEST NO. 14

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it calls for speculation and presents an incomplete hypothetical. ViaSat also objects to the request on grounds that it calls for expert testimony or a legal opinion.

REQUEST NO. 15

Admit that ViaSat first communicated or disclosed ViaSat's Alleged Trade Secret No. 5 to Acacia, or anyone associated with Acacia, on or before June 10, 2011.

RESPONSE TO REQUEST NO. 15

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it duplicates the subject matter of Interrogatory No. 18 in Acacia's Second Set of Interrogatories.

REQUEST NO. 16

Admit that ViaSat first communicated or disclosed ViaSat's Alleged Trade Secret No. 5 to Acacia, or anyone associated with Acacia, after June 10, 2011.

RESPONSE TO REQUEST NO. 16

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it duplicates the subject matter of Interrogatory No. 18 in Acacia's Second Set of Interrogatories.

REQUEST NO. 17

Admit that ViaSat's Alleged Trade Secret No. 5 can be used with the DSP Core.

RESPONSE TO REQUEST NO. 17

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it calls for speculation and presents an incomplete hypothetical. ViaSat also objects to the request on grounds that it calls for expert testimony or a legal opinion.

REQUEST NO. 18

Admit that ViaSat first communicated or disclosed ViaSat's Alleged Trade Secret No. 6 to Acacia, or anyone associated with Acacia, on or before June 10, 2011.

RESPONSE TO REQUEST NO. 18

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it duplicates the subject matter of Interrogatory No. 18 in Acacia's Second Set of Interrogatories.

REQUEST NO. 19

Admit that ViaSat first communicated or disclosed ViaSat's Alleged Trade Secret No. 6 to Acacia, or anyone associated with Acacia, after June 10, 2011.

RESPONSE TO REQUEST NO. 19

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it duplicates the subject matter of Interrogatory No. 18 in Acacia's Second Set of Interrogatories.

REQUEST NO. 20

Admit that ViaSat's Alleged Trade Secret No. 6 can be used with the DSP Core.

RESPONSE TO REQUEST NO. 20

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it calls for speculation and presents an incomplete hypothetical. ViaSat also objects to the request on grounds that it calls for expert testimony or a legal opinion.

REQUEST NO. 21

Admit that ViaSat first communicated or disclosed ViaSat's Alleged Trade Secret No. 7 to Acacia, or anyone associated with Acacia, on or before June 10, 2011.

RESPONSE TO REQUEST NO. 21

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it duplicates the subject matter of Interrogatory No. 18 in Acacia's Second Set of Interrogatories.

REQUEST NO. 22

Admit that ViaSat first communicated or disclosed ViaSat's Alleged Trade Secret No. 7 to Acacia, or anyone associated with Acacia, after June 10, 2011.

RESPONSE TO REQUEST NO. 22

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also

1 objects to the request on grounds that it duplicates the subject matter of
2 Interrogatory No. 18 in Acacia's Second Set of Interrogatories.

3
4 **REQUEST NO. 23**

5 Admit that ViaSat's Alleged Trade Secret No. 7 can be used with the DSP
6 Core.

7 **RESPONSE TO REQUEST NO. 23**

8 ViaSat objects to the request as overbroad, unduly burdensome, and
9 oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also
10 objects to the request on grounds that it calls for speculation and presents an
11 incomplete hypothetical. ViaSat also objects to the request on grounds that it calls
12 for expert testimony or a legal opinion.

13
14 **REQUEST NO. 24**

15 Admit that ViaSat first communicated or disclosed ViaSat's Alleged Trade
16 Secret No. 8 to Acacia, or anyone associated with Acacia, on or before June 10,
17 2011.

18 **RESPONSE TO REQUEST NO. 24**

19 ViaSat objects to the request as overbroad, unduly burdensome, and
20 oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also
21 objects to the request on grounds that it duplicates the subject matter of
22 Interrogatory No. 18 in Acacia's Second Set of Interrogatories.

23
24 **REQUEST NO. 25**

25 Admit that ViaSat first communicated or disclosed ViaSat's Alleged Trade
26 Secret No. 8 to Acacia, or anyone associated with Acacia, after June 10, 2011.

RESPONSE TO REQUEST NO. 25

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it duplicates the subject matter of Interrogatory No. 18 in Acacia's Second Set of Interrogatories.

REQUEST NO. 26

Admit that ViaSat's Alleged Trade Secret No. 8 can be used with the DSP Core.

RESPONSE TO REQUEST NO. 26

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it calls for speculation and presents an incomplete hypothetical. ViaSat also objects to the request on grounds that it calls for expert testimony or a legal opinion.

REQUEST NO. 27

Admit that ViaSat first communicated or disclosed ViaSat's Alleged Trade Secret No. 9 to Acacia, or anyone associated with Acacia, on or before June 10, 2011.

RESPONSE TO REQUEST NO. 27

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it duplicates the subject matter of Interrogatory No. 18 in Acacia's Second Set of Interrogatories.

REQUEST NO. 28

Admit that ViaSat first communicated or disclosed ViaSat's Alleged Trade Secret No. 9 to Acacia, or anyone associated with Acacia, after June 10, 2011.

RESPONSE TO REQUEST NO. 28

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it duplicates the subject matter of Interrogatory No. 18 in Acacia's Second Set of Interrogatories.

REQUEST NO. 29

Admit that ViaSat's Alleged Trade Secret No. 9 can be used with the DSP Core.

RESPONSE TO REQUEST NO. 29

ViaSat objects to the request as overbroad, unduly burdensome, and oppressive. ViaSat also objects to the request as vague and ambiguous. ViaSat also objects to the request on grounds that it calls for speculation and presents an incomplete hypothetical. ViaSat also objects to the request on grounds that it calls for expert testimony or a legal opinion.

Dated: July 31, 2017

FTZGERALD KNAIER LLP

By: s/ Keith Cochran

Kenneth M. Fitzgerald, Esq.

Keith M. Cochran, Esq.

- and -

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Attorneys for Plaintiff and Counter
Defendant ViaSat, Inc.

ViaSat, Inc. v. Acacia Communications, Inc.

U.S. District Court Case No.: 3:16-cv-00463-BEN-JMA

PROOF OF SERVICE

I, the undersigned, say: I am over 18 years of age, employed in the County of San Francisco, California, in which county the within-mentioned service occurred; and that I am not a party to the subject cause. My business address is 2261 Market Street, No. 606, San Francisco, California, 94114.

On July 31, 2017, I served the following document(s):

1. ViaSat, Inc.'s Responses and Objections to Acacia Communications, Inc.'s First Set of Requests for Admission.

to each of the addressees named hereafter as follows:

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BY ELECTRONIC FILING. I am familiar with the United States District Court, Southern District of California's practice for collecting and processing electronic filings. Under that practice, documents are electronically filed with the Court. The Court's CM/ECF system will generate a Notice of Electronic Filing (NEF) to the filing party, the assigned judge, and any registered users in the case. The NEF will constitute service of the document. Registration as a CM/ECF user constitutes consent to the electronic service through the Court's transmission facilities. Under said practice, the above-parties were served via CM/ECF.

BY MAIL. I am familiar with this firm's practice of collection and processing correspondence for mailing with the United States Postal Service, and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business pursuant to Federal Rule of Civil Procedure § 5(b)(2)(B).

BY FAX. In addition to service by mail as set forth above, a copy of said document(s) were also delivered by facsimile transmission to the addressee pursuant to Federal Rule of Civil Procedure § 5(b)(2)(D).

BY PERSONAL SERVICE. I caused said document(s) to be hand delivered to the addressee(s) pursuant to Federal Rule of Civil Procedure § 5(b)(2)(A).

1 **BY OVERNIGHT DELIVERY.** I deposited said document(s) in a box or
2 other facility regularly maintained by an express service carrier providing
overnight.



BY EMAIL. The document stated herein was transmitted by email and the
4 transmission was reported as complete and without error. A transmission
5 report was properly issued indicating the date and time of receipt of the
transmission.

6 I declare under penalty of perjury under the laws of the United States of
7 America that the foregoing is true and correct. Executed July 31, 2017.

8
9 
10 Amy M. Bailey